



## DEFENSE CONTRACT MANAGEMENT AGENCY

3901 A AVENUE, BUILDING 10500  
FORT LEE, VA 23801-1809

MAY 10 2012

Mr. Jason Smathers  
MuckRock News  
DEPT MR 296  
P.O. Box 55819  
Boston, MA 02205-5819

Dear Mr. Smathers:

This letter is in response to your Freedom of Information Act (FOIA) request seeking the contents of the administrative processing records for the five oldest pending FOIA requests at the Defense Contract Management Agency (DCMA) as of December 9, 2010. We assigned control number 11-037 to the request for administrative purposes.

As you are aware, your request has been in our complex processing queue, and we have completed processing the records pertaining to the oldest pending FOIA request. Rather than waiting until the remaining records are complete, we are providing this interim response, which includes the administrative processing records for that case. The balance of the potentially responsive records is being reviewed for release determination and a final response will be forthcoming as soon as possible.

A portion of the information in the enclosed records is exempt from release pursuant to Title 5, United States Code, Section 552, Exemption (b)(5). This exemption is first being applied under the deliberative process, as certain information in these documents reflects advisory opinions, recommendations, and deliberations comprising part of a process by which governmental decisions and policies are formulated. We are also applying the exemption to certain information protected from disclosure under the attorney-client privilege and the attorney work product doctrine, respectively. Upon careful review, DCMA determined that certain records contain confidential communications between legal counsel and other DCMA officials detailing professional legal advice related to the oldest pending FOIA request within DCMA. Likewise, other information contained in the records is being withheld because it was prepared by legal counsel in reasonable anticipation of litigation.

Please be aware, however, that DCMA decided to make a discretionary disclosure to you pertaining to other information contained in the enclosed responsive records. Specifically, information detailing certain recommendations and strategies of how to process the oldest FOIA request could have been withheld under the deliberative process privilege. Pursuant to the Attorney General's policy of a "fundamental commitment to open government," such information was not withheld.

Finally, the names and related personally identifiable information of various Department of Defense (DoD) employees set forth in the documents are being withheld under Title 5, United States Code, Section 552, Exemption (b)(6) of the FOIA. Due to the heightened security

interests in the aftermath of 9/11, the names of DoD employees have been redacted to protect personal privacy interests. Furthermore, within the backdrop of increased security measures, in carefully weighing those significant privacy interests of DoD and DCMA personnel against any presumed public interest in favor of disclosure, personally identifiable information is exempt from disclosure under Exemption (b)(6) of the FOIA.

No fees have been assessed for processing this FOIA request.

Because information has been withheld, this is considered a partial denial. You are hereby advised of your right to appeal this determination under DoD Directive 5400.7-R. Your appeal must be in writing and must be made within 60 calendar days of the date of this letter. Your appeal should reference the control number above and should include your reasons for requesting a reconsideration of this decision. Your appeal should be forwarded to the Appellate Authority, c/o Freedom of Information Office, Defense Contract Management Agency, 3901 A Avenue, Building 10500, Fort Lee, Virginia 23801-1809. Both your letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you have any questions, feel free to contact Ms. Donna Williamson, DCMA's FOIA Officer, at [donna.williamson@dcma.mil](mailto:donna.williamson@dcma.mil) or 804-734-1488.

Sincerely,

A handwritten signature in cursive script that reads "Kimball Brown".

KIMBALL BROWN  
Director  
Policy

Enclosure:  
As stated